

AMENDED IN SENATE APRIL 30, 2003  
AMENDED IN SENATE APRIL 22, 2003  
AMENDED IN SENATE MARCH 20, 2003

**SENATE BILL**

**No. 58**

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**Introduced by Senators Johnson, Alpert, Battin, Florez, Knight,  
McPherson, and Speier**

(Coauthors: Assembly Members Bates, Benoit, Campbell, Cogdill,  
Daucher, Dutton, La Malfa, Longville, Maddox, Mountjoy,  
Nakanishi, Pacheco, Plescia, Spitzer, Strickland, and Wyland)

January 15, 2003

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An act to add Section 964 to the Penal Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Johnson. Police reports: confidentiality.

Existing law provides Californians with a right of privacy. Existing law regulates the dissemination of personal information held by government agencies. Existing law exempts courts from the provisions of the California Public Records Act and permits a court to seal records and redact information from them.

This bill would provide, except as otherwise required by law, that a police report, arrest report, or investigative report, and any item attached to it, submitted to a court by a prosecutor or law enforcement officer, as specified, be ~~sealed~~ *kept confidential* by the court. The bill would permit ~~these records to be inspected, upon request, after the court prepares and provides a person to file a written motion, with specified notice after filing to the defense and prosecution, requesting access to the report, and would require a court that grants this motion to prepare~~

and provide a copy of the report from which all personal identifying information has been redacted, as specified, regarding any witness or victim. *The bill would state that its provisions do not preclude a court and local law enforcement from entering into an agreement to have personal identifying information redacted from a report prior to submission to the court.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 964 is added to the Penal Code, to read:  
2 964. (a) Except as otherwise required by law, a police report,  
3 arrest report, or investigative report, and any item that is attached  
4 or incorporated by reference to it, that is submitted to a court by  
5 a prosecutor in support of a criminal complaint, indictment, or  
6 information, or by a prosecutor or law enforcement officer in  
7 support of a search warrant or an arrest warrant, shall be sealed  
8 kept confidential by the court and may not be opened to public  
9 inspection except as provided by this section.

10 (b) ~~Upon a request to inspect a report sealed pursuant to~~  
11 ~~subdivision (a)~~ A person may file a written motion requesting  
12 access to a report specified in subdivision (a), and shall serve the  
13 motion on defense counsel and the prosecution within 2 days of  
14 filing. Upon granting this motion, the court shall prepare and  
15 provide a copy of the report from which has been redacted all  
16 personal identifying information regarding any witness or victim  
17 mentioned within, and all other information that could reasonably  
18 lead to the disclosure of this personal identifying information.

19 (c) For the purposes of this section, “personal identifying  
20 information” includes, but is not limited to, a person’s address,  
21 telephone number, driver’s license or California Identification  
22 Card number, social security number, *date of birth*, place of  
23 employment, employee identification number, mother’s maiden  
24 name, demand deposit account number, savings or checking  
25 account number, or credit card number.

(d) (1) This section may not be construed to impair or affect the provisions of Chapter 10 (commencing with Section 1054) of Title 6 of Part 2 of the Penal Code.

(2) This section may not be construed to impair or affect procedures regarding informant disclosure provided by Sections 1040 to 1042, inclusive, of the Evidence Code, or as altering procedures regarding sealed search warrant affidavits as provided by *People v. Hobbs* (1994) 7 Cal.4th 948.

(3) This section shall not be construed to impair or affect a criminal defense counsel's access to unredacted reports otherwise authorized by law, or the submission of documents in support of a civil complaint.

(4) This section applies as an exception to California Rule of Court 243.1, as provided by paragraph (2) of subdivision (a) of that rule.

*(e) Nothing in this section precludes a court and local law enforcement from entering into an agreement to have personal identifying information redacted from a report specified in subdivision (a) prior to submission to the court.*

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the safety and privacy of victims and witnesses of crimes, to encourage witnesses to come forward and report crimes, and to combat the efforts of identity thieves to obtain the personal identifying information of California citizens, it is necessary that this act go into immediate effect.

